#### THE WOODLANDS TOWNSHIP

#### **Board of Directors**

#### **WORKSHOP MEETING**

June 21, 2012

#### **MINUTES**

# THE STATE OF TEXAS § COUNTIES OF HARRIS & MONTGOMERY §

The Board of Directors of The Woodlands Township met in regular session, open to the public, on June 21, 2012, posted to begin at 7:30 a.m. The meeting was held in a meeting room at the office of The Woodlands Township, Board Chambers, 2801 Technology Forest Boulevard, The Woodlands, Texas, within the boundaries of The Woodlands Township.

#### President/General Manager

Don Norrell

Chairman: Bruce Tough

Vice Chairman: Peggy Hausman

Secretary: Ed Robb

Treasurer: Gordy Bunch

<u>Directors:</u>
Mike Bass
Nelda Luce Blair
Jeff Long

## Staff/Advisors: Alan Benson

Kim Cogburn
Mary Connell
Karen Dempsey
Taunya Jacques
Miles McKinney
Mike Page
John Powers
Daniel Ringold
Monique Sharp
Bret Strong
Susan Welbes
Renee Williford
Nick Wolda

### 1. Pledge of Allegiance;

Director Long led the Pledge of Allegiance to the United States flag and Chairman Tough led the Pledge of Allegiance to the Texas State flag.

### 2. <u>Call meeting to order;</u>

Chairman Tough called the meeting to order at 7:35 a.m. and declared that notice of this meeting was posted 72 hours in advance at the Courthouse of Montgomery and Harris Counties and inside the boundaries of The Woodlands Township at the office building located at 2801 Technology Forest Boulevard, The Woodlands, Texas.

The roll was then called of the duly elected members of the Board with all members present, excluding Secretary Robb. Following roll call, Chairman Tough recognized and introduced the new Township Directors. The Chair provided a brief bio on Directors Jeff Long, Gordy Bunch and Mike Bass.

As there was a quorum of members present, the Board proceeded to conduct business regarding the following matters.

### 3. Receive, consider and act upon adoption of the meeting agenda;

#### **VOTING:**

Motion by: Mike Bass moved to adopt the agenda as presented.

Second by: Nelda Luce Blair

Motion passed unanimously.

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	х		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	absent		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	х		

#### 4. Recognize public officials;

Chairman Tough recognized the following individuals:

- <u>Claude Hunter</u>- former Township Director
- <u>Lloyd Matthews</u>-former Township Director

#### 5. Public comment;

The following individuals addressed the Board:

- Lloyd Matthews-11 Redhaven Place commented about Board teamwork
- <u>Claude Hunter</u>- 2 Townsend Place deferred comments until presentation of agenda item #11 regarding The Woodlands Township 2012 Resident Survey

#### 6. Receive an update regarding iPad usage;

William Pham, IT Director for The Woodlands Township, presented this item. Mr. Pham gave Board members a brief tutorial on how to use their iPad to download and navigate Board meeting materials. A question and answer period followed the presentation.

#### **POTENTIAL CONSENT AGENDA:**

## 7. Receive, consider and act upon the Potential Consent Agenda;

(This agenda consists of non-controversial or "housekeeping" items required by law. One motion with modifications, if applicable, approves for action, all items contained within the Consent Agenda. Items may be moved from the Consent Agenda to the Regular Agenda by any Board Member making such request prior to a motion and vote.)

7(a). Receive, consider and act upon approval of the minutes of the May 17, 2012 Board Workshop, May 23, 2012 Regular Meeting and May 30, 2012 Special Meeting of the Board of Directors of The Woodlands Township;

Chairman Tough asked the Board to review the minutes. Director Bass noted that the May 30, 2012 was not a workshop session as indicated under item #2-Calling Meeting to Order. The minutes will be corrected accordingly.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Consent Agenda.

#### 7(b). Receive, consider and act upon a proclamation declaring July as Recreation and Parks Month;

John Powers, Assistant General Manager of Community Services for The Woodlands Township, presented this item with a recommendation that the Board proclaim July as Recreation and Parks Month in The Woodlands Township. Board discussion followed.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Consent Agenda.

#### 7(c). Receive, consider and act upon a resolution concerning the Annual Report on Financial Information

#### and Operating Data for the disclosure filing pertaining to the 2009, 2010 Bonds and 2011 Bond Series;

Monique Sharp, Assistant General Manager of Finance & Administration, presented background information on this item with a recommendation that the Board adopt a resolution approving the Annual Report on Financial Information and Operating Data for the year ended December 31, 2011 and authorize such report to be filed with the Municipal Securities Rulemaking Board. Board discussion followed.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Consent Agenda.

# 7(d). Receive, consider and act upon approval of consulting services to improve the Insurance Service Office (ISO) rating for The Woodlands Fire Department;

Fire Chief Alan Benson presented background information on this item with a recommendation that the Board approve consultant services in the amount of \$13,000 to utilize Pietsch Consulting Services for ISO evaluation-Phase I and further authorize the Fire Chief to execute the service agreement in connection therewith. Board discussion followed.

It was the decision of the Board to move this item to the July 19, 2012 Board workshop session for further discussion.

# 7(e). Receive, consider and act upon a venue sponsorship agreement with South Montgomery County YMCA for the Dragon Boat Race Team Challenge;

John Powers presented background information on this item with a recommendation that the Board approve the venue sponsorship agreement with South Montgomery County YMCA to host the 2012 Dragon Boat Race Team Challenge at Northshore Park and authorize the President/General Manager to execute the agreement. Board discussion followed.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Consent Agenda.

# 7(f). Receive, consider and act upon amending the Veteran's Memorial Construction and Donation Agreement for The Way Home sculpture;

John Powers presented background information on this item with a recommendation that the Board approve the First Amendment to Town Green Park Veterans Memorial Construction and Donation Agreement. Board discussion followed.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Consent Agenda.

# 7(g). Receive, consider and act upon a sponsorship from the Hispanic Chamber of Commerce for Arts in the Park-Celebrating Hispanic Heritage Month;

John Powers presented background information on this item with a recommendation that the Board approve the sponsorship from the Hispanic Chamber of Commerce for the Fall Arts in the Park event to be titled, "Arts in the Park-Celebrating Hispanic Heritage Month." Board discussion followed.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Consent Agenda.

### 7(h). Receive, consider and act upon award of bids for the purchase of trees;

John Powers presented background information on this item with a recommendation that the Board reject the bids and solicit new bids based upon a revision of the specifications which provides for a one year reforestation program, allowing for more common varieties of nursery stock grown from a broader geographical area and return to the Board with the results for consideration. Board discussion followed.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Consent Agenda.

#### 8. BRIEFINGS:

#### 9. Update and review of the Texas Public Information Act related to personal email and social media;

Chairman Tough called on Bret Strong, legal counsel for The Woodlands Township, to present this item. Mr. Strong provided a review of the Texas Public Information Act related to personal email and social media. Board discussion followed the presentation. Mr. Strong recommended that the Board follow the guidelines below:

- 1. For all business related communications, establish and utilize Township-provided email address and refrain from sending business-related communications from or through any personal accounts.
- For all personal or private communications (non-business related), use your personal email address, and refrain from sending any personal or private communications unrelated to Township business from your Township-provided email account.

3. All Board members and staff need to be aware of any comments or messages posted or sent on social media platforms (LinkedIn, Facebook, Twitter, etc.) and avoid mixing personal communications with business related communications utilizing such sites that could potentially subject such communications to open records requests.

This item was for information sharing only.

# 10. Receive and consider a presentation regarding financial disclosure and conflict of interest requirements;

Chairman Tough called on Daniel Ringold, attorney with Schwartz, Page & Harding, L.L.P., to present this item. The Board was referred to a Memorandum in their meeting materials related to this subject matter.

Mr. Ringold then summarized the requirements of Chapter 171 of the Texas Local Government Code, which pertains to regulation of conflicts of interest of officers of municipalities, counties and certain other local governments and Chapter 176 of the Texas Local Government Code, which pertains to disclosure of relationships with local government officers. Board discussion followed the presentation.

This item was for information sharing only.

# 11. Receive and consider a presentation by Creative Consumer Research regarding the 2012 Resident Survey results;

Chairman Tough called on Nick Wolda, Director of Community Relations for The Woodlands Township, to present this item. Mr. Wolda provided background information on this item and then introduced Joyce Walter, Executive Vice President with Creative Consumer Research of Houston, to provide a brief overview of the 2012 Resident Survey results. Board discussion followed.

Public comment was then received from Claude Hunter regarding the 2012 Resident Survey.

This item was for information sharing only.

# 12. Receive and consider a presentation by The Woodlands Professional Firefighters Association, Local 3846, regarding retirement benefits;

Chairman Tough informed the Board that this item will be presented at the Board of Directors meeting on June 27, 2012. Director Bass requested that a presentation on this item also be made at the July 2012 Board workshop meeting.

#### 13. REGULAR AGENDA:

#### 14. Receive, consider and act upon appointments to the Development Standards Committee (DSC);

John Powers presented background information on this item. Following the presentation, Director Blair requested that the Board extend the appointment term for existing DSC members from June 30, 2012 to July 31, 2012 and defer The Woodlands Township appointment of DSC members until the Board of Directors meeting on July 25, 2012.

Chairman Tough then called on DSC candidates in attendance to introduce themselves to the Board. Chris Florack, Herman Weindel and Danie van Loggerenberg addressed the Board at this time. Following the presentations, the Board was given an opportunity to ask questions of each candidate.

It was decision of the Board to place this item on the June 27, 2012 regular Board meeting for consideration and action under the Consent Agenda.

### 15. Receive, consider and act upon appointments to the Parks and Recreation Advisory Council;

Board briefing on this item was not necessary. Chairman Tough informed the Board that he had received an appointment request from Director Bass to serve on the Parks and Recreation Advisory Council.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Regular Agenda.

## 16. Receive, consider and act upon appointments to the Law Enforcement Advisory Council;

Board briefing on this item was not necessary. Chairman Tough informed the Board that he had received an appointment request from Director Bass to serve on the Law Enforcement Advisory Council.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Regular Agenda.

# 17. Receive, consider and act upon appointments to The Woodlands Waterway Arts Council Chairman's Advisory Committee;

Board briefing on this item was not necessary. Chairman Tough informed the Board that he had not received any requests from Board members to serve on this committee. Director Blair then indicated that she would be interested in serving on The Woodlands Waterway Arts Council Chairman's Advisory Committee.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Regular Agenda.

### 18. Receive, consider and act upon Audit Committee appointments;

Board briefing on this item was not necessary. Chairman Tough informed the Board that he had received a request from Director Bass to serve on the Audit Committee.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Regular Agenda.

Note: Items #19 and #20 above were discussed together:

- 19. Receive, consider and act upon the appointment of Directors of The Woodlands Township Board as Members to The Woodlands Convention and Visitors Bureau in accordance with the Bylaws;
- 20. Receive, consider and act upon recommendation to the Members of The Woodlands Convention and Visitors Bureau as to the Board of Directors and Officers of The Woodlands Convention and Visitors Bureau;

Chairman Tough informed the Board that he had received requests from Directors Bunch, Blair and Hausman to serve on The Woodlands Convention and Visitors Bureau (CVB) Board of Directors. The Chair also informed the Board that Director Robb had also expressed an interest in serving on the CVB Board. Chairman Tough indicated that there was not a need to have a briefing on these items.

Director Bass informed the Chair that he would like to discuss this item. Chairman Tough then called on Karen Dempsey, Management Analyst for The Woodlands Township, to present a briefing on the above items.

Ms. Dempsey provided background information on the items and discussed the process of electing three members of the Township Board of Directors to the CVB. Staff recommended that the Board take action on the following:

- 1. Approve three (3) Township Directors by written ballot election as Members of The Woodlands Convention & Visitors Bureau TWCVB) to serve from July 2012 through June 2012.
- Recommend the following four (4) Member positions: President-The Woodlands Township,
  President-South Montgomery County Woodlands Chamber of Commerce, General Manager-The
  Woodlands Waterway Marriott Hotel & Convention Center, and General Manager-The
  Woodlands Resort & Conference Center in addition to the three (3) Members elected in #1
  above to be elected by TWCVB Members as Members of TWCVB Board of Directors to serve
  from July 2012 through June 2013.
- 3. Recommend the following Officers: President-Nick Wolda and General Manager-Casey Snyder to be elected as Officers of TWCVB to serve from July 2012 through June 2013.

Following Ms. Dempsey's presentation, Director Bass offered an alternative proposal to expand the CVB Board to include three residents: John Risher, Tim Nutt, and a Village Association officer that would be appointed by the Village Association Presidents. Board discussion followed.

Bret Strong was called on to provide clarification on the items and Nick Wolda was asked to take a look at the Board structure for other CVBs. This information will be reported back to the Board.

It was the decision of the Board to take action on the first and third items above at the June 27, 2012 regular Board meeting and defer taking action on the second item until the July 25, 2012 regular Board meeting.

# 21. Receive, consider and act upon award of bid for the renovation of the Grogan's Mill Pedestrian Bridge;

John Powers presented background information on this item with a recommendation that the Board award the bid for patching exposed rebar, cleaning, adding relief elements, and painting/staining the Grogan's Mill Pedestrian Bridge to All Service Striping in the amount of \$34,625 and to allocate up to \$8,575 for landscaping around the bridge. Board discussion followed.

Mr. Powers was requested to ask the contractors to break out their bids and then report the findings to the Board at the June 27, 2012 regular meeting.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Regular Agenda.

# 22. Receive, consider and act upon a license agreement with The Woodlands Land Development Company for use of the pine cone logo on the Grogan's Mill pedestrian bridge;

John Powers presented background information on this item with a recommendation that the Board approve a license agreement with The Woodlands Land Development Company for use of the pine cone logo on the Grogan's Mill pedestrian bridge.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Regular Agenda.

# 23. Receive, consider and act upon a presentation and proposal regarding the relationship between The Woodlands Township and the Development Standards Committee;

John Powers provided brief comments on this item and then Director Bass was called on to make a presentation. Director Bass proposed that the Board table the issue regarding bylaws for the time being, but requested that the Township ask the DSC to submit to the Township its operating guidelines

that would improve transparency and openness of DSC processes and procedures. Board discussion followed.

This item was deferred to July 2012.

# 24. Receive, consider and act upon a presentation and proposal to provide funding for the Oak Ridge Woodlands Area Little League (ORWALL) as proposed by Director Bass;

This item was deferred to July 2012. Chairman Tough remarked that this item could be reviewed by the Board during presentation of the Parks and Recreation budget review later in July 2012.

#### 25. Receive, consider and act upon adoption of a Township facility use policy;

Karen Dempsey presented background information on this item with the recommendation that the Board adopt the Township Meeting Room Policy as presented. Board discussion followed.

Director Bass requested that item #9 of the policy be clarified as to what campaign promotion means so that it does not exclude any recognized political groups that want to have forums or debates involving multiple candidates.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Regular Agenda.

#### 26. Receive, consider and act upon adoption of an election material policy;

Karen Dempsey presented background information on this item. Board discussion followed.

Board members expressed that the Village Associations should be allowed to permit distribution of campaign materials at their meetings. However, members felt that signage and distribution of campaign materials outside the Township's facility should not be allowed unless it was designated as a polling location.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Regular Agenda.

# 27. Receive, consider and act upon determining a date for a Special Board Meeting regarding the governance planning process;

Karen Dempsey presented background information on this item. Board discussion followed. The Board set August 2, 2012 from 8:30 a.m. until noon to hold a Special Board of Directors meeting. Partners for

Strategic Action (PSA), the Township's governance consultants, will make a presentation to the Board regarding feedback from the community governance forums and community outreach program.

This item will be brought forward to the June 27, 2012 regular Board meeting for consideration and action under the Regular Agenda.

#### **CLOSED MEETING (if applicable):**

28. Recess to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas

Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas

Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; and to

consult with The Woodlands Township's attorney pursuant to §551.071, Texas Government Code;

The Board recessed to Executive Session at 10:29 a.m. Chairman Tough announced that no action would be taken on items discussed in Executive Session.

# 29. Reconvene in Public Session;

The Board reconvened in Public Session at 11:25 a.m. Chairman Tough announced that it would not be necessary for the Board to take action at this time on items discussed in Executive Session.

Note: Director Long left at this point in the meeting.

#### 30. <u>ADMINISTRATIVE REPORTS:</u>

### 31. <u>Community Policing:</u>

This report will be made at the June 27, 2012 regular Board meeting.

#### 32. Community Services:

John Powers referred the Board to a written report found in their Board packet.

#### 33. The Woodlands Convention & Visitors Bureau;

Nick Wolda announced that the Red, Hot & Blue Festival will be held on July 4, 2012.

#### 34. The Woodlands Fire Department;

No report was given.

### **DISCUSS FUTURE AGENDA / ANNOUNCEMENTS:**

### 35. Consideration of items to be placed on the agenda for next month's meeting;

Vice Chairman Hausman requested an update on the DSC signage issue.

# 36. Board announcements;

There were no announcements.

# 37. Public comment, and;

There was no Public Comment.

## 38. Adjournment

### **VOTING:**

Motion by: Nelda Luce Blair moved to adjourn the meeting at 11:27 a.m.

Second by: Mike Bass

Motion passed unanimously.

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	х		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	absent		
Bunch, Gordy (Treasurer)	х		
Bass, Mike (Director)	х		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	absent		



Ed Robb

Secretary, Board of Directors